UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

MICROSOFT CORPORATION, SAP AG, and SAP AMERICA, INC.,)))	Consolidated Cases:
	Plaintiffs,)	Civil Action No. 11-cv-02365-KBF Civil Action No. 11-cv-02648-KBF (Cases pending in U.S. District Court
DATE TO THE DAY	v.)	for the Southern District of New York)
DATATERN,	Defendant.)	
	Detenuant.)	

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of its Motion To Strike Portions of the Declaration of Jeb Oblak Filed in Support of SAP AG's And SAP America, Inc.'s Motion for Partial Summary Judgment ("Oblak Declaration") and References and Inferences Arising Therefrom, defendant and counterclaimant, DataTern, Inc. respectfully moves this court, before Honorable Judge Katherine B. Forrest, for an order striking paragraphs 2,3, 5 and 6 of the Oblak Declaration, exhibits A, B, D and E attached thereto and any references to them contained in Plaintiffs' and counterclaimants' SAP AG's and SAP America, Inc.'s (collectively "SAP's") motion for partial summary judgment papers. SAP filed the Oblak Declaration, and accompanying exhibits, in support of its pending motion for partial summary judgment. See SAP AG and SAP America, Inc. v. DataTern, Inc., 11-cv-02648, at D.N. 66 and 70.

DATATERN, INC. By its Attorneys,

/s/ Lee Carl Bromberg
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May 10, 2012

CERTIFICATE OF SERVICE

I certify that, on this 10^{th} day of May, 2012, I served via ECF and electronic mail copies of this motion to strike on counsel of record for each other party.

/s/ Lee Carl Bromberg
Lee Carl Bromberg